

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF IOWA

In re: CHAPTER 7  
Case No.

Shelly Kay Smith  
Debtor

94-61277KW

Mercantile Bank of Illinois,  
N.A.  
Plaintiff

v.

Shelly Kay Smith  
Defendant

Adversary Proceeding No.  
94-6163kw

FILED  
U.S. BANKRUPTCY COURT  
NORTHERN DISTRICT OF IOWA  
MAY 04 1995  
BARBARA A. EVERLY, CLERK

JUDGMENT

This proceeding having come on for trial or hearing before the court, the Honorable Paul J. Kilburg, United States Bankruptcy Judge, presiding, and the issues having been duly tried or heard and a decision having been rendered,

IT IS ORDERED AND ADJUDGED: That the Defendant's debt in the amount of \$1,967.18 is excepted from discharge pursuant to 11 U.S.C. Sec. 523(a)(2)(A).

IT IS FURTHER ORDERED that judgment is entered in favor of the plaintiff and against the defendant in the amount of \$1,967.18 plus interest at the rate of 15.9% per annum plus the costs of this action.



[Seal of the U.S. Bankruptcy Court]  
Date of Issuance: May 4, 1995

BARBARA A. EVERLY  
Clerk of Bankruptcy Court

By: *Michael A. Golay*  
Deputy Clerk

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UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF IOWA

FILED  
U.S. BANKRUPTCY COURT  
NORTHERN DISTRICT OF IOWA

MAY 04 1995

BARBARA A. EVERLY, CLERK

IN RE: )  
 )  
SHELLY KAY SMITH, )  
 )  
Debtor. )

CASE NO. 94-61277KW  
ADVERSARY NO. 94-6163KW

MERCANTILE BANK OF ILLINOIS,  
N.A.,

Plaintiff,

vs.

SHELLY KAY SMITH,

Defendant.

JUDGMENT ENTRY

NOW on this 4 day of May, 1995, this matter comes before the court on the Plaintiff's Motion for Summary Judgment. The Plaintiff appears by counsel, G. Mark Rice of Adams and Howe, P.C. and the Defendant appears by Counsel Don Gottschalk.

The court finds that on November 11, 1994, the Plaintiff filed a Complaint to Determine the Dischargeability of the Defendant's Debt of \$1,967.18 pursuant to 11 U.S.C. §523(a)(2)(A). Thereafter, the Defendant filed an Answer generally denying the allegations of the Plaintiff's Complaint.

On March 20, 1995, the Plaintiff filed a Motion for Summary Judgment alleging that there was no genuine issue of material fact and that the Plaintiff was entitled to a judgment as a matter of law due to the failure of the Defendant to respond to the Plaintiff's Request for Admissions.

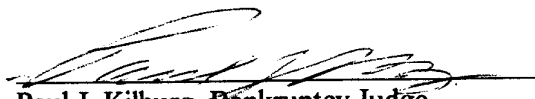
The Court further finds that there was no resistance filed to the Plaintiff's Motion for

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Summary Judgment and that the Plaintiff is entitled to a judgment as a matter of law.

ACCORDINGLY, IT IS THEREFORE ORDERED that the Defendant's debt in the amount of \$1,967.18 is excepted from discharge pursuant to 11 U.S.C. §523(a)(2)(A).

IT IS FURTHER ORDERED that a Judgment be entered in favor of the Plaintiff against the Defendant in the amount of \$1,967.18 plus interest at the rate of 15.9% per annum plus the costs of this action.

  
Paul J. Kilburg, Bankruptcy Judge  
Northern District of Iowa

Prepared and submitted by:

G. Mark Rice, 504-64-2288  
Adams & Howe, P.C.  
620 Hubbell Building  
Des Moines, IA 50309  
(515) 246-1400  
ATTORNEY FOR MERCANTILE  
BANK OF ILLINOIS, N.A.

Clerk mail copies to:

G. Mark Rice  
620 Hubbell Building  
Des Moines, IA 50309

Don Gottschalk  
704 Main Street  
P.O. Box 523  
Cedar Falls, IA 50613

Notice sent to:

*w/ Judgment*

G. Mark Rice  
620 Hubbell Building  
Des Moines, IA 50309

Don E. Gottschalk  
704 Main Street  
PO Box 523  
Cedar Falls, IA 50613

US Trustee - CR  
Law Building Suite 400  
225 2nd Street SE  
Cedar Rapids, IA 52401

*5-4-95*

**MAY 19 1995**

United States Bankruptcy Court

**District of** IOWA

**In re**

Bankruptcy Case No. 94-61277KW

Debtor

Plaintiff

Adversary Proceeding No. 94-6163KW

Defendant

## BILL OF COSTS


Address	Room
800 The Center, 425 Second St. SE	800
P. O. Box 74890	Date and Time
Cedar Rapids, IA 52407	May 25, 1995
	11:00 a.m.

The clerk of the bankruptcy court is requested to tax the following as costs:

**DECLARATION**

I, attorney for Mercantile Bank of Illinois declare under penalties of perjury that the  
(name of party)  
foregoing costs are correct and were necessarily incurred in this action, that the services for which fees have been charged were actually and necessarily performed, and that a copy of this Bill of Costs was mailed this day with postage fully prepaid to:

5/17/95  
Date

  
G. Mark Rice Signature of Attorney

COSTS ARE TAXED IN THE FOLLOWING AMOUNT AND INCLUDED IN THE JUDGMENT: \$ 120.00

BARBARA A. EVERLY

Clerk of the Bankruptcy Court

By: James H. Gory  
~~Deputy Clerk~~  
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Copy this May 25, 1995 to G. Mark Rice, Don Gottschalk, U.S. Trustee  
*Thomas A. Holley* Deputy Clerk U.S. Bankruptcy  
 Court, P O Box 74890, Cedar  
 Rapids, IA 52407

Affidavit regarding military service attached to the Motion for Default Judgment.

UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF IOWA

MAY 19 1995

BARBARA A. EVERLY, CLERK

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IN RE:	)	CASE NO. 94-61277KW
	)	ADVERSARY NO. 94-6163KW
SHELLY KAY SMITH,	)	
	)	
Debtor.	)	

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MERCANTILE BANK OF ILLINOIS,	)	
N.A.,	)	
	)	
	)	
Plaintiff,	)	AFFIDAVIT IN SUPPORT OF
	)	BILL OF COSTS
vs.	)	
	)	
SHELLY KAY SMITH,	)	
	)	
Defendant.	)	

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STATE OF IOWA	)
	)SS.
POLK COUNTY	)

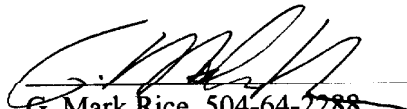
I, G. Mark Rice, being first duly sworn upon oath deposes and states as follows:

1. I am an attorney duly licensed to practice law in the State and Federal courts of Iowa.
2. I am the attorney for the Plaintiff, Mercantile Bank of Illinois, N.A.
3. The Plaintiff, Mercantile Bank of Illinois, N.A. incurred costs of \$120.00 for filing its complaint in the above-captioned matter.
4. I have personal knowledge that the Plaintiff advanced this sum and that such item is correct and has been necessarily incurred in the case and that the services for which fees have been charged for were actually and necessarily performed.

5. The Defendant, Shelly Kay Smith is not in the military service of the United States of America, not in the military forces of any nation allied with the United States of America in the prosecution of present war, nor has she been ordered to report for induction under the provision of the Selective Training and Service Act of 1940, as amended, and she has not been ordered to report for service as a member of the Enlisted Reserve Corps, nor is the Defendant entitled to any of the privileges under the provisions of the said Soldiers' and Sailors' Civil Relief Act of 1940, or amendments, as I verily believe.

6. The statements contained herein are true and correct as I verily believe.

ADAMS & HOWE, P.C.

  
G. Mark Rice, 504-64-2288  
620 Hubbell Building  
Des Moines, IA 50309  
(515) 246-1400

ATTORNEY FOR MERCANTILE BANK  
OF ILLINOIS

Subscribed and sworn to before me this 18th day of May, 1995.



  
NOTARY PUBLIC IN AND FOR THE  
STATE OF IOWA

cc: Mr. Robert Gottschald, Esq.  
401 South Jefferson, Box 416  
Indianola, IA 50125

United States Trustee  
Room 517, Federal Building  
210 Walnut Street  
Des Moines, IA 50309



Proof of Service

The undersigned certifies that the foregoing instrument was served upon all parties to the above cause to each of the attorneys of record herein at their respective addresses disclosed on the pleadings on

May 18, 1995  
By: ☒ U.S. Mail ☐ FAX  
☐ Hand Delivered ☐ Overnight Courier  
☐ Federal Express ☐ Other:

Signature: Holly Block

UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF IOWA

IN RE: )  
 )  
SHELLY KAY SMITH, )  
 )  
Debtor. )  
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CASE NO. 94-61277KW  
ADVERSARY NO. 94-6163KW

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NORTHERN DISTRICT OF IOWA

MAY 22 1995

BARBARA A. EVERLY, CLERK

MERCANTILE BANK OF ILLINOIS,  
N.A.,

Plaintiff,

vs.

SHELLY KAY SMITH,

Defendant.

AFFIDAVIT OF MAILING

STATE OF IOWA )  
 )ss.  
COUNTY OF POLK )

The undersigned, after being duly sworn upon oath deposes and states that, on the 19th day of May, 1995, she served a copy of the Affidavit in Support of Bill of Costs and Bill of Costs upon the following named persons by depositing a copy of the same in the United States mail, first class, postage prepaid to such persons as indicated below:

Mr. Don E. Gottschalk  
704 E. Main Street  
P.O. Box 523  
Cedar Falls, IA 50613

*Holly Block*  
Holly Block

Subscribed and sworn to before me this 19<sup>th</sup> day of May, 1995.



*Lisa L. Sanderson*  
NOTARY PUBLIC

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